

BOARD OF EXAMINERS IN OPTOMETRY

Regular Session Minutes

**July 27, 2011
DHMH
4201 Patterson Avenue #105
Baltimore, MD 21215
9:30 a.m.**

The regular session meeting of the Board of Examiners in Optometry was held on Wednesday, July 27, 2011. Board members present were, Thomas Azman, O.D., Jo Anne Brilliant, O.D., Kisha Fields Matthews, Phyllis M. Strickland, O.D., Stephen Kwan, O.D., Frederick J. Walsh, Ph.D. and Brian T. Woolf, O.D. Also present was Patricia G. Bennett, Board Administrator, Kecia Dunham, Licensing Coordinator and Delia Turano Schadt, Board Counsel.

A. Opening of Meeting

Dr. Azman opened the regular session of the Board meeting at 9:38 a.m.

B. Minutes

The regular session minutes of the meeting held on May 25, 2011 were approved with the following correction - section "C" under Rehabilitation Report the word "no" should be placed after "was" for the sentence to read "that there was no... Dr. Brilliant moved and Dr. Strickland seconded the motion to accept the minutes as corrected. The Board's vote was unanimous.

C. Committee Reports

1. Continuing Education - Dr. Woolf

Dr. Woolf reported that Dr. Paula Rabin submitted a request to waive the number of hours of continuing education that can be done online; due to her illness she is unable to attend live lectures. She has completed 46 hours of continuing education via the internet. Dr. Woolf moved and Dr. Brilliant seconded the motion to grant her request for the waiver according to the Health Occupations Article §11-309 (e), "Waiver- the Board may waive the continuing education requirements in cases of illness or other undue hardship on the licensee". The Board will encourage Dr. Rabin to plan her continuing education in advance and avail herself to activities in other categories, such as pro bono work, lectures, etc. The Board's vote was unanimous.

2. Credentialing- Dr. Kwan

Dr. Kwan reported that there was no current information to report.

3. QEI – Dr. Brilliant

Dr. Brilliant reported that the QEI Committee has finalized the 2011 CE Project and it will be disseminated in August. The Board has approved the project for 6 therapeutic hours. Dr. Brilliant reported that the Committee will begin the process for the next record review audit.

4. Rehabilitation- Dr. Azman

Dr. Azman reported that there was no current information to report.

5. Budget – Dr. Strickland

Dr. Strickland reported that the Board's Special Fund Balance as of 7/6/11 is \$540,455.39 and the remaining expense budget for FY 11 is \$13,790.

6. ARBO- Dr. Strickland

Dr. Strickland did not attend the ARBO meeting that was held on June 12-14, 2011 in Salt Lake City, but was able to report that Dr. Azman and Patricia Bennett attended. She reported that ARBO is looking for 100% participation from boards to encourage licensees to use their OE Tracker number when attending continuing education programs. Dr. Strickland stated that optometry schools will issue and use OE Tracker numbers instead of social security numbers. Dr. Azman provided a report and indicated that the new ARBO President is, Michael Ohlson, O.D. of Iowa and new Vice-President, Ernest Schlabach, O.D. of Virginia. Dr. Schlabach spoke at one of the Board's meetings in 2009. ARBO welcomed two Canadian provinces as new members – Manitoba and Saskatchewan. Dr. Azman stated that ARBO is recommending that boards implement a 100 percent continuing education audit during license renewal with the use of the OE Tracker data. Dr. Azman also highlighted some key points made in the presentation about the "Future of Healthcare Regulation". He stated that copies of the presentation will be provided to Board members. Dr. Azman reported that the state of Kentucky enacted groundbreaking legislation that gives the Optometry Board authority to determine its scope and also includes laser and other surgical procedures

7. Legislation- Dr. Kwan & Kisha Fields Matthews

There was no current information to report regarding the legislative session.

D. Old Business

1. Regulations

Sanctioning Guidelines- Drs. Kwan and Strickland

Drs. Kwan and Strickland discussed the committee's draft Guidelines for Disciplinary Sanctions or Imposition of a Penalty that was submitted to the Board for review, corrections, comments and changes. The Committee was scheduled to meet following the July meeting but that meeting has been rescheduled to follow the September meeting. The committee will use as a model the sanctioning grid format that was developed by Washington State, used by the Dental Board and recommended by Secretary Sharfstein for all boards as a template. Delia Schadt and Pat Bennett will review the grid and provide consultation and recommendations to the committee about how best to incorporate the sanctions.

2. Legislation

HB-114 Health Occupations Boards-Disciplinary Review Committee

One of the requirements of HB 114 is the establishment of a disciplinary subcommittee. Ms. Schadt reiterated that the Board needs to have a Disciplinary Review Committee in place to review complaints and determine whether or not those complaints need to be investigated. It was recommended that the committee meet in the even months and Board members serve on a rotating basis. Dr. Walsh moved and Kisha Fields Matthews seconded the motion. The Board's vote was 4 Yea, 3 Nay. It was suggested that the committee meet on the 4th Wednesday of the even numbered months. The first Disciplinary Review Committee meeting is scheduled for August 31, 2011 @ 9:00 a.m. Drs. Azman and Walsh volunteered to attend the meeting. Patricia Bennett gave a verbal update about the Board's progress in meeting the other requirements of the law which included the collection of racial and ethnic data at initial licensure and renewal. On that note, Dr. Strickland inquired about whether demographic data of race and sex could be made available to Board members. The Board's voted unanimously to have the report drafted.

SB- 145 State Board of Examiners in Optometry- Committee Report Actions

Ms. Bennett reported that the Board will report by October 1, 2011 to the Senate and the House on the decline in new licenses issued; revenue and expenditure trends to determine fee increases; implementation of biennial renewal; and the development in scope of practice within the profession. Ms. Bennett reported that there has been an increase not a decline in new licenses issued since the preliminary evaluation was drafted in December 2009. The numbers have increased from 45 in 2009 to 57 (27% increase) in 2010 to 61 (36% increase) in 2011. Ms. Bennett stated that she would be providing revenue estimates for the FY'13 budget process in August and could better assess the expenditure and revenue trends to determine the need for fee increases. She also reported that the projected renewals for the first staggered renewal in 2012 will be 79 licenses.

E. Administrator's Report – Patricia Bennett

1. 2011 Renewal Online - The renewal cycle began with 838 active licensees. Of that number, 714 renewed and 23 placed their licenses on inactive status and the remainder was in a non-renewed status. There were 159 licensees selected for the continuing education audit and of that number 16 had either a non-renewed or inactive status. There was a 99% compliance rate.

2. Budget FY 2012 – The expenditure budget for fiscal year 2012 is \$245,623 and as of 7/25/11, the ending Special Fund balance going into FY '12 is \$279,501.

3. ARBO Annual Meeting – Ms. Bennett remarked that Dr. Azman had presented such a thorough report that she only needed to fill in. She added that throughout the regulatory arena, maintenance of licensure and continuing competence is a consumer mandate as never before. Consumers want to be certain that health care practitioners are armed with current knowledge and are competent. NBEO has a new clinical skills training site that will open in August 2011. Candidates will take Part III of the national exam at the site. In addition, injection skills will be included in the clinical skills exam beginning in 2012. Ms. Bennett reported that her presentation about the QEI Committee was well received and generated discussion about the record review process as a possible current competence measure.

F. New Business

1. New Licenses Issued 5/11-6/11

Ms. Bennett reported that 23 licenses were issued during the period. A motion was made by Dr. Strickland and seconded by Dr. Walsh to approve the licenses issued. The Board's vote was unanimous.

2. Maryland Health Care Commission Request

The Board received a questionnaire from Kathy Francis of the Maryland Health Care Commission regarding health information technology and the feasibility of the Board incorporating the survey in its online renewal. Currently the Board of Physicians includes the survey in its online renewal system. The completion of the survey is voluntary and the Board had no problem with the inclusion of the survey. However, members want to know how the survey results are transferred to the Commission and whether Board staff resources are required in this process.

3. Signature on Electronic Eyeglass Prescription

The Board received an email message from Dr. David Miller asking whether an optometrist can produce an electronic eyeglass prescription without a written signature. The Board will respond that there is no language or provisions in its statute that addresses eyeglass prescriptions.

4. Optometrist Performing Visual Evoked Potential Exam

The Board received an email from Laura Cirilli of Diopsys Inc. asking whether Visual Evoked Potential exam (VEP) is within the scope of practice for Maryland licensees. The Board will respond to Ms. Cirilli informing her that VEP is within the scope of practice.

The regular session of the Board adjourned to go into administrative session.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kisha Fields Matthew". The signature is fluid and cursive, with the last name "Matthews" being more legible than the first name.

Kisha Fields Matthew, Secretary